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SERVICE DATE - MARCH 11, 2002

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-101 (Sub-No. 15X)**

**Duluth, Missabe and Iron Range Railway Company - Abandonment Exemption - in St.  
Louis County, MN**

**BACKGROUND**

In this proceeding, Duluth, Missabe and Iron Range Railway Company (DM&IR) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of the line known as the Virginia Branch extending between Milepost B5.5 and Milepost B6.1 in St. Louis County, Minnesota (MN), a distance of approximately 0.6 mile. A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, the railroad would be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way (ROW).

**DESCRIPTION OF THE LINE**

According to DM&IR, in the past 30 years the line was used solely to deliver coal to the Virginia Water and Light Plant. The last coal shipment to this facility occurred on July 24, 1999 and no future traffic is anticipated. No other traffic has originated, terminated or moved overhead on this line segment for at least two years. The ROW is 100 feet wide and is owned by DM&IR. DM&IR is unaware of any potential public purposes to which the ROW may be suited.

The land is relatively flat and the surrounding land use is residential. Designated wetlands or 100-year floodplains are not known to be present within the proposed project.

The rail line consists of switching track that crosses nine streets within the City of Virginia, MN. There are no railroad bridges, buildings or other structures on or near the line according to DM&IR. The crossties and other track material and debris would be transported away from the ROW. The removal contractor would be required to minimize soil disturbance during abandonment activities.

**ENVIRONMENTAL REVIEW**

DM&IR submitted an environmental report and historical report that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. DM&IR served these reports on a number of

appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Minnesota Pollution Control Agency (MPCA) stated that land disturbing activities on any rail line segments that are adjacent to streams or wetlands should be minimized to avoid potential adverse water quality impacts. Any onsite stockpiling of railroad ties should be temporary and occur away from waterways, and the ties disposed of appropriately. MPCA also stated that if the project would disturb five or more acres of land area, an MPCA permit under Section 402 of the Clean Water Act would be necessary. The permit would require the use of best management practices to control erosion and sedimentation.

The U.S. Department of the Interior, Fish and Wildlife Service, Twin Cities Field Office, stated that no Federally-listed endangered or threatened species or species of concern are expected to be impacted by the proposed abandonment.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has advised the Board that one geodetic station marker has been identified that could be affected by the proposed abandonment.

The Minnesota Historical Society (MN SHPO) has not completed its assessment of the potential impact of this project on historic resources, and we, therefore, recommend a condition to address this concern.

## **CONDITIONS**

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. DM&IR shall retain its interest in and take no steps to alter the historic integrity of the ROW until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.
2. The NGS has identified one geodetic station marker that could be affected by the proposed abandonment. Therefore, DM&IR shall notify NGS 90 days prior to salvage activities in order to plan for its potential relocation.
3. DM&IR shall consult with the MPCA regarding permitting requirements under Section 402 of the Clean Water Act.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL COMMENTS**

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to Docket No. AB-101 (Sub-No. 15X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Recent events involving a principal postal facility within Washington, D.C. may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: March 11, 2002.

Comment due date: **March 26, 2002**

By the Board, Victoria J. Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

MAP TO BE SCANNED